

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ACUITY A MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

NAB, LLC, *et al.*,

Defendants.

Case No. 2:23-cv-01366-RFB-DJA

ORDER

Before the Court for consideration is the Order and Report and Recommendation (ECF No. 36) of the Honorable David J. Albregts, United States Magistrate Judge, entered February 27, 2024. For the reasons below, the Report and Recommendation is adopted in full.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by November 1, 2023. No objections have been filed.

On December 7, 2023, Plaintiff Acuity filed both a Motion to Strike the Answer of NAB, LLC, and a Motion for Entry of Clerk’s Default because NAB was not represented by counsel when that submission was filed. Rather, it appears that *pro se* Defendants Asia Trinh and Nicole Brown filed it on NAB, LLC’s behalf. See ECF Nos. 11, 12, 13. On December 12, 2023, Judge

1 Albregts ordered NAB, LLC to retain counsel on or before January 11, 2024. ECF No. 17. On
 2 January 5, 2024, Trinh and Brown filed a motion seeking *inter alia* additional time to locate
 3 counsel. ECF No. 22. On January 23, 2024, Judge Albregts granted the motion in part, allowing
 4 until February 22, 2024, for counsel to appear on behalf of NAB. ECF No. 27. On February 21,
 5 2024, Trinh and Brown sought yet another extension for time to locate counsel. ECF No. 34.

6 On February 27, 2024, Judge Albregts issued the instant Order and Report and
 7 Recommendation. In the order, Judge Albregts denied the extension for additional time to locate
 8 counsel for want of good cause. Judge Albregts further recommended this Court grant both the
 9 Motion to Strike and Motion for Entry of Clerk's Default, reasoning that corporations must be
 10 represented by counsel. While the Court is not obliged to conduct any review of Judge Albregts'
 11 Report and Recommendation, Arn, 474 U.S. at 149, the Court has reviewed the record in this case
 12 and concurs with the Magistrate Judge's recommendations in full. See United States v. High
 13 Country Broadcasting Co., 3 F.3d 1244, 1245 (9th Cir. 1993) ("A corporation may appear in
 14 federal court only through licensed counsel.").

15 Therefore, **IT IS THEREFORE ORDERED** that the February 27, 2024, Order and
 16 Report and Recommendation (ECF No. 36) of the Honorable David J. Albregts, United States
 17 Magistrate Judge, is **ADOPTED** in full.

18 **IT IS FURTHER ORDERED** that Plaintiff Acuity A Mutual Insurance Company's
 19 Motion to Strike (ECF No. 12) is **GRANTED**. The Clerk of Court is instructed to strike NAB,
 20 LLC's Answer (ECF No. 11).

21 **IT IS FURTHER ORDERED** that Plaintiff Acuity's Motion for Entry of Clerk's Default
 22 against NAB, LLC (ECF No. 13) is **GRANTED**. The Clerk of Court is instructed to enter a default
 23 as to NAB, LLC.

24
 25 **DATED:** March 14, 2024.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE